

ASSEMBLY, No. 702

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Provides State information technology contracts will require use of software to document computer use by contractor.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing that State contracts require the use of software to
2 document computer use by information technology contractors
3 and supplementing Title 52 of the Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Notwithstanding the provisions of any other law or rule or
9 regulation to the contrary, any information technology contract
10 entered into by any State agency, having a value in excess of
11 \$100,000 shall require the contractor to use software to verify that
12 all hours billed for work under the contract for services performed
13 on a computer are eligible charges. Every such contract shall
14 specifically provide that the State agency shall not pay for hours
15 worked on a computer unless the hours are verifiable by software or
16 by data collected by software.

17 The software required by this section shall:

18 permit the State agency to have real-time access to data collected
19 or provided by the software;

20 automatically gather verification data of State-funded activity
21 and take a screenshot and track total keystroke and mouse event
22 frequency at least once every three minutes, and make that
23 information available to the State agency in real-time and upon
24 request;

25 provide automated real-time cost status of each task;

26 provide professional biographical information that is not private
27 or confidential on individuals performing work funded by a State
28 agency;

29 ensure appropriate privacy and confidentiality of any data for
30 individuals; and

31 permit the State agency to provide immediate feedback to the
32 contractor on work in progress.

33 A contractor shall store, or contract with another to store, data
34 collected by the software for a period of seven years after payment
35 is made to the contractor for services provided to the State agency.
36 The contractor shall retrieve and make available data upon the
37 request of the State agency in the format requested by the State
38 agency at any time during the seven years as needed to comply with
39 the provisions of this section or any other law which may require
40 disclosure of such information.

41 A contractor shall not charge the State agency for access to, or
42 use of, the work verification software or for access to or retrieval of
43 data collected by the software.

44 The provisions of this section shall apply to any auditor acting
45 on behalf of a State agency to the same extent as it applies to the
46 State agency.

47 As used in this section, "information technology contract" means
48 any contract for the purchase of software publishing, motion picture

1 and video production, television production and post-production
2 services, telecommunications, data processing, hosting and related
3 services, custom computer programming services, computer system
4 design, computer facilities management services, other computer
5 related services including, but not limited to, coding and website
6 development, and computer training; and

7 "State agency" means any principal department in the Executive
8 Branch of State government, and any division, board, bureau,
9 office, commission or other instrumentality within or created by
10 such department, and any independent State authority, commission,
11 instrumentality or agency, other than in the Legislative or Judicial
12 Branches of State government, which is authorized by law to award
13 public contracts.

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill provides that any information technology contract entered
21 into by a State agency having a value in excess of \$100,000 will
22 require the contractor to use software to verify that all hours billed for
23 work under the contract for services performed on a computer are
24 eligible charges. Every such contract must specifically provide that the
25 State agency will not pay for hours worked on a computer unless the
26 hours are verifiable by software or by data collected by software. The
27 bill provides specific functions that this software must perform in
28 order to document computer use in performance of a contract. It will
29 apply to agencies in the Executive Branch of State government and to
30 independent State authorities, commissions, instrumentalities, or
31 agencies.